

HILL, BETTS & NASH LLP

Attorneys for Defendant

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NEW YORK, NY 10281
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHARLES MELENDREZ ,

Index No.: 08-3820

Plaintiff,

-against-

**ANSWER TO
AMENDED
COMPLAINT**

Wilson Shipping Co., LLC.

Defendant.

-----X

Defendant, by its attorneys HILL, BETTS & NASH LLP, as and for its Answer to the Amended Complaint herein alleges upon information and belief as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth or veracity of the allegations contained in paragraph 1 of the Amended Complaint.
2. Denies the allegations contained in paragraph 2 of the Amended Complaint and refers all questions of law to the Court.
3. Denies knowledge or information sufficient to form a belief as to the truth or veracity of the allegations contained in paragraph 3 of the Amended Complaint and refers all questions of law to the Court.
4. Denies knowledge or information sufficient to form a belief as to the truth or veracity of the remaining allegations contained in paragraph 4 of the Amended Complaint, except admits that on December 24, 2007 Plaintiff served as an employee of defendant and was a crew member of the S/S WILSON.

5. Denies the allegations contained in paragraph 5 of the Amended Complaint.
6. Denies the allegations contained in paragraph 6 of the Amended Complaint.
7. Denies the allegations contained in paragraphs 7, 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h, 7i of the Amended Complaint.

AS AND FOR A FIRST DEFENSE

8. If Plaintiff was injured in the manner and for the reasons alleged in the Amended Complaint, which is denied, Plaintiff's injuries were caused and or brought about in whole or in part by his own negligence, fault, or lack of care, or by the negligence, fault or lack of care of others for whose negligence, fault or lack of care defendant is not responsible.

AS AND FOR A SECOND DEFENSE

9. If there is found to be any liability on the part of defendant, which is denied, then Defendant claims the benefits of the provisions of the Shipowner's Limitation of Liability Statutes 46 USC§30505 *et seq.*

AS AND FOR A THIRD DEFENSE

10. Plaintiff's claim is barred by laches or the applicable Statute of Limitations.

AS AND FOR A FOURTH DEFENSE

11. The complaint fails to state a claim upon which relief can be granted.

AS AND FOR A FIFTH DEFENSE

12. Whatever injuries Plaintiff may have sustained at the time and place alleged in the complaint were caused solely, or contributed to, by acts or omissions of third parties over whom Defendant exercised no control.

AS AND FOR A SIXTH DEFENSE

13. To the extent Plaintiff may have sustained any injuries, which is denied, such injuries existed, in whole or in part, prior to the incident alleged in the First Amended Verified Complaint.

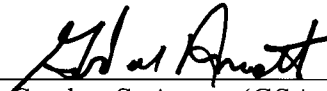
AS AND FOR A SEVENTH DEFENSE

14. Venue is improper.

WHEREFORE, Defendant demands judgment dismissing the Amended Complaint together with the costs and disbursements of this action and for such further and other relief as the Court deems just and proper.

Dated: New York, New York
August 1, 2008

HILL, BETTS & NASH LLP

By 
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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

SUZANNE SAPORITO, being duly sworn deposes and says, I am not a party to the action and over 18 years of age. That on the 1st day of August 2008, she served the attached ANSWER TO AMENDED COMPLAINT upon:

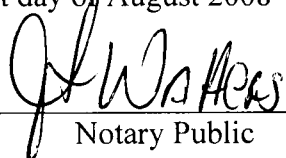
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by delivering a true copy thereof by electronic means to the telephone number listed above, which number was designated by the attorney for such purpose. I received a signal from the equipment of the attorney served indicating that the transmission was received. I also deposited a true copy of the papers, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the attorney set forth after the name:

SUZANNE SAPORITO

Sworn to before me this
1st day of August 2008



Notary Public

JANET M. WALTERS
NOTARY PUBLIC, State of New York
No. 01WAS00684
Qualified in Kings County
Commission Expires 7-2-11